

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO**

In re:

CORPUS CHRISTI MANAGEMENT, LLC,

Debtor(s).

No. 11-09-10004 SS

**MOTION TO APPROVE SALE**

**COMES NOW** the Debtor by and through its undersigned attorney to move the Court to approve the sale of the land and building located at 5701 South Padre Island Drive, Corpus Christi, Texas, to SPID Corpus Development, LLC, TX, 78704, and as grounds therefore would show the Court:

1. On or about October 16, 2009, the Debtor's only asset, a commercial building and real property in Corpus Christi, Texas, was sold to SPID Corpus Development, LLC, TX 78704, in accordance with the lease/option agreement between the parties. The Debtor's secured creditors were paid at closing of the Sale. A copy of the HUD Final Settlement Statement for the Sale is attached hereto and incorporated by reference.

2. Net sale proceeds to the Debtor are more than sufficient to pay the remaining unsecured creditor.

**WHEREFORE**, the Debtor prays that the sale of the land and building located at 5701 South Padre Island Drive, Corpus Christi, Texas, to SPID Corpus Development, LLC, TX, 78704, be approved by the Court.

*GARY B. OTTINGER*  
*ATTORNEY AT LAW*

/s/ E-filed  
\_\_\_\_\_  
Gary B. Ottinger  
P.O. Box 1782  
Albuquerque, NM 87103-1782  
(505) 246-8699 FAX 246-9104

I certify that a copy of this motion was served by CM/ECF e-mail on all parties entering appearance in this case on the day it was filed.

/s/ E-filed  
\_\_\_\_\_  
Gary B. Ottinger

<b>A. U.S. Department of Housing and Urban Development</b>  <b>FINAL</b>  <b>Settlement Statement</b>		<b>B. Type of Loan</b>	
		1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> FMHA
		4. <input type="checkbox"/> VA	5. <input type="checkbox"/> Conv. Ins.
		3. <input type="checkbox"/> Conv. Unins.	
		6. File Number 901236	7. Loan Number
		8. Mortgage Ins. Case No.	
<b>C. Note:</b> This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked ("POC") were paid outside the closing: they are shown here for information purposes and are not included in the totals.			
<b>D. Name of Borrower:</b> SPID Corpus Development, LLC, TX 78704			
<b>E. Name of Seller:</b> Corpus Christi Management Co., LLC, c/o Cravey Real Estate, 5541 Bear Lane, Suite 240, Corpus Christi, TX 78405			
<b>F. Name of Lender:</b> Bank of Houston, 1051 FM 1960 West, Houston, TX 77090			
<b>G. Property Location:</b> Lot 1, Block A, MANOR TERRACE  5701 South Padre Island Drive, Corpus Christi, TX 78412			
<b>H. Settlement Agent:</b> Stewart Title Corpus Christi Division (361) 985-6336 <b>Place of Settlement:</b> 711 N. Carancahua, Ste 107, Corpus Christi, TX 78475			
<b>I. Settlement Date:</b> 10/6/2009		<b>Proration Date:</b> 10/16/2009	
<b>J. Summary of Borrower's Transaction</b>		<b>K. Summary of Seller's Transaction</b>	
<b>100. Gross amount due from borrower:</b>		<b>400. Gross amount due to seller:</b>	
101. Contract sales price	1,390,000.00	401. Contract sales price	1,390,000.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	11,339.10	403.	
104. Payoff		404.	
105.		405.	
Adjustments for items paid by seller in advance:		Adjustments for items paid by seller in advance:	
106. City/town taxes		406. City/town taxes	
107. County taxes 10/16/2009 to 1/1/2010	2,172.26	407. County taxes 10/16/2009 to 1/1/2010	2,172.26
108. Assessments		408. Assessments	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
<b>120. Gross amount due from borrower:</b>	<b>1,403,511.36</b>	<b>420. Gross amount due to seller:</b>	<b>1,392,172.26</b>
<b>200. Amounts paid by or in behalf of the borrower:</b>		<b>500. Reduction in amount due to seller:</b>	
201. Deposit or earnest money	15,000.00	501. Excess deposit (see instructions)	
202. Principal amount of new loan(s)	1,112,000.00	502. Settlement charges to seller (line 1400)	67,561.28
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204. Principal amount of second loan		504. Payoff of first mortgage loan Zions 10/21	1,102,743.71
205. Paul Hoang - Cash due at closing	134,434.50	505. Payoff of second mortgage loan	
206. Cuong Phan - cash due at closing	45,707.73	506. 2008 Taxes - October payment	21,203.12
207. Thinh Phan - cash due at closing	45,707.73	507. 2009 Taxes to Nueces County	10,297.10
208. Sandeep Kodityal - cash due at closing	43,019.05	508.	
209. Option fee		509. Option fee	
Adjustments for items unpaid by seller:		Adjustments for items unpaid by seller:	
210. City/town taxes		510. City/town taxes	
211. County taxes		511. County taxes	
212. Assessments		512. Assessments	
213.		513.	
214.		514.	
215.		515.	
216. Prorated Rent 10-17-09 thru 10-31-09	7,642.35	516. Prorated Rent 10-17-09 thru 10-31-09	7,642.35
217.		517.	
218. \$14,602.69 2008 Taxes		518. \$14,602.69 2008 Taxes	
219.		519.	
<b>220. Total paid by/for borrower:</b>	<b>1,403,511.36</b>	<b>520. Total reduction in amount due seller:</b>	<b>1,209,447.56</b>
<b>300. Cash at settlement from/to borrower:</b>		<b>600. Cash at settlement to/from seller:</b>	
301. Gross amount due from borrower (line 120)	1,403,511.36	601. Gross amount due to seller (line 420)	1,392,172.26
302. Less amount paid by/for borrower (line 220)	1,403,511.36	602. Less total reduction in amount due seller(line 520)	1,209,447.56
<b>303. CASH (FROM) TO BORROWER</b>	<b>0.00</b>	<b>603. CASH (FROM) TO SELLER</b>	<b>182,724.70</b>

**SUBSTITUTE FORM 1099 SELLER STATEMENT** - The information contained in Blocks E, G, H and I and on line 401 (or, if line 401 is asterisked, lines 403 and 404), 406, 407 and 408-412 (applicable part of buyer's real estate tax reportable to the IRS) is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported.

**SELLER INSTRUCTION** - If this real estate was your principle residence, file form 2119, Sale or Exchange of Principal Residence, for any gain, with your income tax return; for other transactions, complete the applicable parts of form 4797, Form 6252 and/or Schedule D (Form 1040).

You are required by law to provide Stewart Title Corpus Christi Division (361) 985-6336 with your correct taxpayer identification number.

If you do not provide Stewart Title Corpus Christi Division (361) 985-6336 with your correct taxpayer identification number, you may be subject to civil or criminal penalties.

Corpus Christi Management Co., LLC

L. Settlement Charges		10/19/09 11:01 AM	File Number: 901236	
700.	Total sales/broker commission based on : \$1,390,000.00= \$59,746.28		Paid From	Paid From
	Division of commission (line 700) as follows:		Borrower's	Seller's
701.	\$34,750.00 + (\$4,876.86) to Cravey Real Estate Services,		Funds at	Funds at
702.	\$34,750.00 + (\$4,876.86) to Keller Williams		Settlement	Settlement
703.	Commission paid at settlement \$59,746.28			59,746.28
704.				
705.	THE FOLLOWING PERSONS, FIRMS, OR CORPORATIONS RECEIVED A PORTION OF			
706.	THE REAL ESTATE COMMISSION SHOWN ABOVE:			
707.	Lynann Pinkham; Jamie Batten			
708.	- \$9,753.72 lease commission			
800.	Items payable in connection with loan			
801.	Loan origination fee to Bank of Houston ( 0.5%)	5,560.00		
802.	Loan discount			
803.	Appraisal fee to Burbach & Associates	1,900.00		
804.	Credit report			
805.	Lender's inspection fee			
806.	Mortgage insurance application fee			
807.	Assumption fee			
808.	Flood certification fee to Bank of Houston	10.00		
809.	Tax service fee			
810.	Underwriting fee			
811.	Processing fee			
812.	Messenger/Courier fee			
813.	Funding/Wire fee			
814.	Yield spread premium			
815.	Phase I Environmental to Mody K. Boatright	1,405.00		
900.	Items required by lender to be paid in advance			
901.	Interest from			
902.	Mortgage insurance premium for			
903.	Hazard insurance premium for			
904.	Flood insurance premium for			
905.	Windstorm insurance premium for			
906.				
1000.	Reserves deposited with lender			
1001.	Hazard insurance			
1002.	Mortgage insurance			
1003.	City property taxes			
1004.	County property taxes			
1005.	Annual assessments (maint.)			
1006.	Flood insurance			
1007.	Windstorm insurance			
1008.				
1009.	Aggregate adjustment			
1100.	Title charges			
1101.	Settlement or closing fee			
1102.	Abstract or title search			
1103.	Title examination			
1104.	Title insurance binder			
1105.	Document preparation			
1106.	Notary fees			
1107.	Attorney's fees to Adam & Bing, PC	1,145.00		
	includes above items no.:			
1108.	Title insurance to Stewart Title Corpus Christi Division	739.10		7,361.00
	includes above items no.: T19; Tax; NYDP			
1109.	Lender's coverage \$1,112,000.00 \$739.10			
1110.	Owner's coverage \$1,390,000.00 \$7,361.00			
1111.	State of Texas policy guaranty fee to Guaranty Fee Transfer	5.00		5.00
1112.	Escrow fee to Stewart Title Corpus Christi Division	375.00		375.00
1113.	Tax certificate to Third Coast Tax Service, LLC.			55.00
1114.	Copy Fee			
1115.				
1200.	Government recording and transfer charges			
1201.	Recording fees: Deed \$23.00 Mortgage \$51.00 Release \$19.00 ASR \$31.00	105.00		19.00
1202.	City/county tax/stamps:			
1203.	State tax/stamps:			
1204.	Recording Assignment of Rents to Stewart Title Corpus Christi Division	95.00		
1205.				
1206.				
1300.	Additional settlement charges			
1301.	Survey			
1302.	Pest inspection			
1303.	Residential Service Contract			
1304.				
1305.				
1400.	Total settlement charges (entered on lines 103, section J and 502, section K)	11,339.10		67,561.28

**ADDENDUM TO HUD-1**

File No. 901236

Date: October 16, 2009

Property: 5701 South Padre Island Drive Corpus Christi Texas 78412

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

The Seller's and Purchaser's/Borrower's signatures hereon acknowledge their approval and signify their understanding that tax and insurance pro-rations and reserves are based on figures for the preceding year or supplied by others or estimated for the current year, and in the event of any change for the current year, all necessary adjustments will be made between Purchaser/Borrower and Seller directly. Any deficit in delinquent taxes or mortgage payoffs will be promptly reimbursed to the Settlement Agent by the Seller.

The parties have read the above sentences, recognize that the recitations herein are material, agree to same, and recognize Title Company is relying on the same.

I hereby authorize the Settlement Agent to make expenditures and disbursements as shown above and approve same for payment.

Corpus Christi Management Co., LLC

SPID CORPUS DEVELOPMENT, LLC,  
a Texas limited liability company

By: \_\_\_\_\_  
Cuong Phan, Chief Executive Officer

Paula McDonald  
Paula McDonald  
Manager

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Settlement Agent: Ginny Price

Ginny Price

Date: 10-16-09

WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details, see: Title 18 U.S. Code Sections 1001 and 1010.

## ADDENDUM TO HUD-1

File No. 901236

Date: Oct. 16, 2009

Property: 5701 South Padre Island Drive Corpus Christi Texas 78412

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Corpus Christi Management Co., LLC

SPID CORPUS DEVELOPMENT, LLC,  
a Texas limited liability company

By: Cuong Phan  
Cuong Phan, Chief Executive Officer

\_\_\_\_\_  
Paula McDonald  
Manager

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Settlement Agent: Ginny Price  
Ginny Price

Date: October 16, 2009

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## ADDENDUM TO HUD-1

File No. 901236

Date: Oct 16, 2009

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Corpus Christi Management Co., LLC

SPID CORPUS DEVELOPMENT, LLC,  
a Texas limited liability company

By: Cuong Phan  
Cuong Phan, Chief Executive Officer

By: Cuong Phan  
Cuong Phan, Manager

By: Paul Hoang  
Paul Hoang, Manager

By: Sandeep Kodiyal  
Sandeep Kodiyal, Manager

By: Thinh Phan  
Thinh Phan, Manager

\_\_\_\_\_  
Paula McDonald  
Manager

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Date: October 16, 2009

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